

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE:
KEVIN KENT JONES
Debtor
Address: 3336 Ottawa Rd
Richmond, VA 23225
Last four digits of Social Security No.(s): XXX-XX-6909

BCN #: 15-35826/KLP
Chapter: 13

NOTICE OF MOTION

WILMINGTON TRUST, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO CITIBANK, N.A., AS TRUSTEE TO MERRILL LYNCH MORTGAGE INVESTORS TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-HE5 has filed papers with the court to request an order granting relief from the Automatic Stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the Motion, or if you want the court to consider your views on the Motion, then on or before March 17, 2016, you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street
Room 4000
Richmond, VA 23219

You must also mail a copy to:

Auria DuPuch-Freeman
SHAPIRO & BROWN, LLP
501 Independence Parkway, Suite 203
Chesapeake, Virginia 23320
(757) 687-8777

Auria DuPuch-Freeman
SHAPIRO & BROWN, LLP
501 Independence Parkway, Suite 203
Chesapeake, Virginia 23320 Attorneys for WILMINGTON TRUST, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO CITIBANK, N.A., AS TRUSTEE TO MERRILL LYNCH MORTGAGE INVESTORS TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-HE5

- Attend the hearing on the motion or objection scheduled to be held on April 6, 2016 at the United States Bankruptcy Court, 701 East Broad Street, Richmond, VA 23219 in Courtroom 5100 at 9:00 AM.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

16-256379

Dated: March 3, 2016

SHAPIRO & BROWN, LLP
Attorneys for WILMINGTON TRUST, NATIONAL
ASSOCIATION, AS SUCCESSOR TRUSTEE TO
CITIBANK, N.A., AS TRUSTEE TO MERRILL LYNCH
MORTGAGE INVESTORS TRUST, MORTGAGE LOAN
ASSET-BACKED CERTIFICATES, SERIES 2006-HE5

By: /s/ Auria DuPuch-Freeman
Lindsey C. Kelly, Esquire
VSB #71314
James R. Meizanis, Esquire
VSB #80692
Gregory N. Britto, Esquire
VSB #22531
Auria DuPuch-Freeman, Esquire
VSB #87483
SHAPIRO & BROWN, LLP
501 Independence Parkway, Suite 203
Chesapeake, Virginia 23320
(757) 687-8777

I certify that I have this 3rd day of March, 2016, electronically transmitted and/or mailed by first class mail, postage pre-paid, a true copy of the foregoing Notice of Motion to the following:

Richard James Oulton
America Law Group, Inc.
8501 Mayland Dr.
Suite 106
Henrico, VA 23294

Suzanne E. Wade
P.O. Box 1780
Richmond, VA 23218-1780

Kevin Kent Jones
3336 Ottawa Rd
Richmond, VA 23225

/s/ Auria DuPuch-Freeman

Lindsey C. Kelly, Esquire
VSB #71314

James R. Meizanis, Esquire
VSB #80692

Gregory N. Britto, Esquire
VSB #22531

Auria DuPuch-Freeman, Esquire
VSB #87483

United States Bankruptcy Court
Eastern District of Virginia
Richmond Division

In RE:
Kevin Kent Jones
Debtor

BCN#: 15-35826/KLP
Chapter: 13

WILMINGTON TRUST, NATIONAL
ASSOCIATION, AS SUCCESSOR
TRUSTEE TO CITIBANK, N.A., AS
TRUSTEE TO MERRILL LYNCH
MORTGAGE INVESTORS TRUST,
MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2006-HE5
or present noteholder,
Movant/Secured Creditor,

Motion for Order Granting Relief

v.
Kevin Kent Jones
Debtor
and
Suzanne E. Wade
Trustee
Respondents

WILMINGTON TRUST, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE
TO CITIBANK, N.A., AS TRUSTEE TO MERRILL LYNCH MORTGAGE INVESTORS
TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-HE5, and/or
present noteholder, (hereinafter “the Movant”), alleges as follows:

1. That the bankruptcy court has jurisdiction over this contested matter pursuant to
28 U.S.C. § 157 and § 1334 and 11 U.S.C. § 362; Federal Rule of Bankruptcy Procedure 9014;
and Local Bankruptcy Rule 4001(a)-1.

2. That the above named Debtor filed a Chapter 13 Petition in Bankruptcy with this
Court on November 11, 2015.

Auria DuPuch-Freeman
SHAPIRO & BROWN, LLP
501 Independence Parkway, Suite 203
Chesapeake, Virginia 23320 Attorneys for WILMINGTON TRUST, NATIONAL ASSOCIATION, AS
SUCCESSOR TRUSTEE TO CITIBANK, N.A., AS TRUSTEE TO MERRILL LYNCH MORTGAGE
INVESTORS TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-HE5

3. That Suzanne E. Wade has been appointed by this Court as the Chapter 13 Trustee in this instant Bankruptcy proceeding.

4. That the subject deed of trust secures a parcel of real property (hereinafter "the Property") with the address of 3336 Ottawa Rd, Richmond, VA 23225 and more particularly described in the Deed of Trust dated June 5, 2006 and recorded as Deed Book/Instrument Number 060019834 among the land records of the said city/county, as:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, WITH THE IMPROVEMENTS THEREON AND THE APPURTENANCES THERETO BELONGING, LYING AND BEING IN THE CITY OF RICHMOND, D VIRGINIA (FORMERLY CHESTERFIELD COUNTY, VIRGINIA), SHOWN AND DESIGNATED AS LOT 6, BLOCK F, SECTION V, STRATFORD HILLS, ON SUBDIVISION PLAT OF STRATFORD HILLS, SECTION V, PREPARED BY J. K. TIMMONS, DATED NOVEMBER 10, 1959, AND RECORDED MARCH 24, 1960, IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF CHESTERFIELD COUNTY, VIRGINIA, IN PLAT BOOK 12, PAGES 1 AND 2, TO WHICH PLAT REFERENCE IS MADE FOR A MORE PARTICULAR DESCRIPTION.

5. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the Property is currently vested in the name of the Debtor.

6. That the Debtor is in default with regard to payments which have become due under the terms of the aforementioned note and deed of trust since the filing of the Chapter 13 petition.

The Debtor is due for:

- o 3 post petition monthly payments of \$653.13 each which were to be paid directly to Movant;
- o Bankruptcy Fees of \$650.00
- o Bankruptcy Costs of \$176.00
- o Total \$2,785.39

7. That the principal balance on the said Note is \$174,662.57.

8. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

9. That the Movant has elected to initiate foreclosure proceedings on the Property with respect to the deed of trust, but is prevented by the Automatic Stay from going forward with these proceedings.

10. That continuation of the automatic stay pursuant to 11 U.S.C. § 362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. § 362.

11. That the Movant has requested that the Court hear this matter on April 6, 2016 at 9:00 AM.

WHEREFORE, Movant prays for an order granting relief from Automatic Stay in order to pursue its remedies under the terms of its Note and Deed of Trust, that the fourteen (14) day waiting period imposed by F.R.B.P. 4001(a)(3) be waived, for its attorneys fees and costs expended, and for such other and further relief as the Court and equity deem appropriate.

Dated: March 3, 2016

SHAPIRO & BROWN, LLP
Attorneys for Movant

By: /s/ Auria DuPuch-Freeman
Lindsey C. Kelly, Esquire VSB #71314
James R. Meizanis, Esquire VSB #80692
Gregory N. Britto, Esquire VSB #22531
Auria DuPuch-Freeman, Esquire VSB #87483
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NOTICE OF MOTION AND HEARING

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on this motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 701 East Broad Street, Room 4000, Richmond, VA 23219-3515, and serve a copy on the Movant. Unless a written response is filed and served within this fourteen day period, the Court may deem any opposition waived, treat the motion as conceded, and issue an Order granting the requested relief.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the fourteen day period.

You may attend the preliminary hearing scheduled to be held on: April 6, 2016 at 9:00 AM in Courtroom 5100, United States Bankruptcy Court, 701 East Broad Street, Richmond, VA 23219.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting the requested relief.

Dated: March 3, 2016

SHAPIRO & BROWN, LLP
ATTORNEYS FOR THE MOVANT

/s/ Auria DuPuch-Freeman
BY: Lindsey C. Kelly, Esquire VSB #71314
James R. Meizanis, Esquire VSB #80692
Gregory N. Britto, Esquire VSB #22531
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Counsel for WILMINGTON TRUST, NATIONAL
ASSOCIATION, AS SUCCESSOR TRUSTEE TO
CITIBANK, N.A., AS TRUSTEE TO MERRILL
LYNCH MORTGAGE INVESTORS TRUST,
MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2006-HE5

Certificate of Service

I certify that I have this 3rd day of March 2016, electronically transmitted and/or mailed by first class mail, true copies of the Motion for Relief from the Automatic Stay and Notice of Motion and Hearing to each party required to receive notice.

Richard James Oulton
America Law Group, Inc.
8501 Mayland Dr.
Suite 106
Henrico, VA 23294

Suzanne E. Wade
P.O. Box 1780
Richmond, VA 23218-1780

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